



State of Ohio Environmental Protection Agency

Southwest District

401 East Fifth Street
Dayton, Ohio 45402-2911

TELE: (937)285-6357 FAX: (937)285-6249
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

November 21, 2008

Mr. Kimball Birdseye
RL Fender Construction Co.
362 Huffman Ave.
Dayton, Ohio 45403

**Re: Return to Compliance, RL Fender Construction Co, CEG
Montgomery County, OHR 000 146 993**

Dear Mr. Birdseye:

Ohio EPA is in receipt of RL Fender's November 10, 2008 letter responding to Ohio EPA's October 14, 2008 Notice of Violation (NOV) letter. Your response explains that RL Fender has become familiar with the requirement for a generator of a waste to determine if the waste is hazardous, and to manage it accordingly. From my research, your facility is NOT required to prepare an annual report for 2008.

My review of your response reveals that RL Fender has adequately addressed all violations and general concerns noted in Ohio EPA's October 14, 2008 NOV.

If you have further questions, please feel free to call me at (937) 285-6082.

Sincerely,

Brian Gitzinger
District Representative
Division of Hazardous Waste Management

cc: Dinah Crawford, DHWM, SWDO

BG/rif

